

City Council Special and Regular Meetings, March 14, 2000

Twin Pines Senior and Community Center, 1223 Ralston Avenue

**SPECIAL MEETING: 6:15 P.M.**

**CLOSED SESSIONS**

A. Conference with Legal Counsel, anticipated litigation, pursuant to Government Code Section 54956.9

1. One Case

B. Conference with Labor Negotiator, Susan Westman, pursuant to Government Code Section 54957.8

1. BPOA

C. Conference with Property Negotiator, Susan Westman, pursuant to Government Code Section 54956.8

1. APN: 040-373-030

Attended by Councilmembers Warden, Hahn, Wright, Rianda, Cook, City Manager Westman, City Attorney Savaree. Human Resources Director Kushon and Industrial Employers and Distributors Association Representative Craig Jory attended B-1. Economic Development Coordinator Woepke and Finance Director Fil attended C-1. City Clerk Kern was excused from attending.

**STUDY SESSION**

**Presentation by Technology Specialist, Harnish regarding e-mail update.**

This item was continued to the meeting on 3/28.

**Presentation and discussion regarding Summerhill Homes project at the Jewish Community Center Site.**

Ms. Breeze made a brief presentation and outlined their proposed 52 townhouse project on the Jewish Community Center property on Carlmont Drive. She explained that they would apply for a Planned Development designation for this property and would continue to seek input until the Jewish Community Center moved in 18 months. She stated they would be interested in working with the City to provide some Low/Moderate units in the project.

Council comments included concerns about the egress and ingress for the project; and concern about the pool facility being removed from that location.

**Adjournment** at this time, being 7:40 P.M. this meeting was adjourned.

**Meeting Tape Recorded**

Tape No. 456

000a-22.3a

Kathy Kern

Belmont City Clerk

**REGULAR MEETING - 7:30 P.M.**

**CALL TO ORDER – 8:15 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Warden, Hahn, Wright, Rianda, Cook

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Westman Public Works Director Curtis, Principal Planner de Melo, Finance Director Fil, Police Chief Goulart, Fire Chief Jewell, Parks and Recreation Director Mittelstadt, Economic Development Director Woepke, City Attorney Savaree, City Clerk Kern.

**REPORT FROM CLOSED SESSION**

Mayor Cook reported that direction was given, but no action was taken in Closed Session.

**PUBLIC/COUNCIL COMMENTS**

**Mrs. Farmer,** 1510 Winding Way, President, Central Neighborhood Association, explained that she and her neighbors were here to speak to the Council about repairs to North Road.

**Mr. Ottoboni,** 1211 North Road, said he was representing the neighbors on North Road from Notre Dame to Hillman Avenue. He stated that they had been told that repairs would be done as part of a larger project of stabilizing the roadbed at Hillman but now they had learned that the area between 1207 and 1251 was not included in the project. Mr. Ottoboni explained that this road was a high traffic area and was in dire need of repair. He eHe He

presented a petition signed by 28 neighbors in support of this North Road repair/repaving project.

Public Works Director Curtis stated that North Road needed to be stabilized where it was sliding into the canyon. He said this project would be added to that project and considered at the next Council Meeting.

**Mrs. Garcia,** 1237 North Road, expressed her concern about the deplorable condition of North Road and requested that the whole road be considered for reconstruction in this year's budget. She said she had been told today that the mid-section would not be considered at this time and that the road had not been paved since the early '70's. She said that beside the pot holes in the street, all the center dots were broken and she requested that these be fixed for safety reasons.

Council requested that everyone that signed the petition be notified when this was put on the agenda.

Public Works Director Curtis stated that the whole road would be done this year.

**Elaine Farmer**, President, Central Neighborhood Association, recognized all the neighbors on North Road that were in the audience.

**Superintendent Campbell**, Belmont/Redwood Shore Elementary School District, invited everyone to the Ralston Middle school groundbreaking on Saturday, March 18<sup>th</sup>, at 12:00 P.M. for a barbecue to be followed by the groundbreaking.

Mayor Cook announced that she and C. Rianda had attended an event earlier this evening at Ralston Hall to celebrate the completion of the new floor in the ballroom.

Mayor Cook announced that City Mgr. Westman received a Certificate of Appreciation from the Board of Supervisors for completion of a course on Organization of Development.

### **AGENDA AMENDMENTS**

Mayor Cook announced that agenda item 4-I (General Plan team) would be removed for separate consideration. City Attorney Savaree noted that the Resolution 4-F (Eckert appeal) should have a word substituted in the last sentence. The word "grants" should be substituted for "denies".

Mayor Cook stated that she would vote no on that Resolution. C. Wright indicated that he would also.

### **CONSENT CALENDAR**

**Approval** of meeting minutes: Special Meeting, Study Session 2/16; Special and Regular Meeting 2/22; Special Meeting, Study Session 2/23; and Special Meeting, Study Session 2/29.

**Approval** of Warrant List Dated: 2/11/00 for total amount of \$290,525.58 and dated 2/18/00 for total amount of \$181,447.15.

**Written Communication** 1). Before the PUC Order re. rates, charges, & practices of PG&E, A.94-12-005, I. 95-02-015; 2). Comments of the Utility Reform Network on the draft decision on intervenor compensation (PG&E rates) A. 94-12-005; 3). ECI Decision - No Federal Franchise Requirement from Varnum, Riddering, Schmidt & Howlett. LLP; 4). Before the PUC Opinion re. A. 94-12-005 (PG&E rates).

**Motion** to approve Claims Management Report.

Motion to waive reading of Ordinances.

**Resolution No. 8699** upholding the appeal and overturning the Planning Commission's

decision approving a variance at 1816 Oak Knoll Drive. (Eckert)

**Resolution No. 8700** approving establishment of a No Parking Zone next to retaining wall at 2722-2726 Sequoia Way.

**Motion** to accept and authorize plan for public outreach program regarding the City's Permit Processes.

**Resolution No. 8701** authorizing payment for Change Order No. 111 for an amount not to exceed \$110,039.00 for changes in the traffic detour plan for Elmer Street, Ralston Avenue and Harbor Boulevard, Ralston/Harbor/Holly Grade Separation Project, Phase B, Kiewit Pacific Corporation, City Contract No. 330-B.

**Resolution No. 8702** authorizing payment for Change Order 81 for an amount not to exceed \$101,676.00 for installing 615 L.F. of steel picket fencing at San Carlos Station, Ralston/Harbor/Holly Grade Separation Project, Phase B, Kiewit Pacific Corporation, City Contract No. 330-B.

**Resolution No. 8703** authorizing the filing of Applications for AB 434 Program Funding with the City/County Association of Governments of San Mateo County for a Caltrain to Redwood Shores Bicycle/Pedestrian Path Project in the amount of \$30,000, committing the necessary local match for the project in the amount of \$4,000 and stating the assurance of the City of Belmont to complete the project.

**Resolution No. 8704** amending the Fiscal Year 2000 budget and approving a Supplemental Appropriation, revision to Revenue and revision to Permanent Staffing Plan.

**Resolution No. 8705** – approving application to the Department of Conservation to request funding in the amount of \$7,629 for recycling and/or litter reduction activities.

**Resolution No. 8706** opposing SB 402, binding arbitration for Police and Fire Employees.

**Resolution No. 8707** approving Professional Services Agreement with the Sandul Company to prepare the bi-annual Belmont City Newsletter in the amount of \$6,533.67 for each edition.

**Motion** to accept Ralston/Harbor/Holly Grade Separation Project Financial Statements for the Year ended June 30, 1999.

**Resolution No. 8708** approving a license for Innisfree Companies to permit driveway and utility encroachment on city-owned property located at 843 Ralston Avenue.

Consent Calendar adopted as amended. Moved by C. Wright, seconded by C. Rianda, and approved unanimously, by show of hands 5-0 . C. Cook and Wright voted no on Resolution 8699.

#### **Consideration of Resolution appointing members to the General Plan Update Team.**

C. Warden stated that he would like the deadline extended to allow better representation from throughout the City. He said he was interested in interviewing the candidates.

C. Rianda concurred with C. Warden. She said she would like to know the affiliation of everyone who applies to determine the breakdown from the community and the commissions.

City Manager Westman stated that she would like to extend the deadline until April 14<sup>th</sup>. She said this would allow time for an article to be included in the Belmont News which went to every household in Belmont.

**Action:** on motion by C. Rianda, seconded by C. Warden, and approved unanimously, to continue this item and accept applications until April 14<sup>th</sup> and have an article included in the Belmont News describing the process in detail.

#### **NEW BUSINESS**

## **Consideration of Introduction of Ordinance amending Chapter 5, Article II Animal Control Ordinance.**

City Attorney Savaree explained that through a code enforcement action it was determined that there was one provision in the animal ordinance that was not applicable. The section relates to a permit needed to keep animals. It has been determined that this is no longer done by the County of San Mateo. She said this ordinance eliminates the need for a permit to be issued through the County;; limits the number of animals that can be kept, and that is the provision the 4-H may be objecting to, and, finally the provision that the keeping of animals in violation of the ordinance would constitute a public nuisance.

City Attorney Savaree explained the number of animals had been determined by reading other cities ordinances. She said "3" was the most common number and referred to bunnies and chickens.

C. Cook asked the speakers to comment on the provision of the ordinance regarding the age of four months for these animals.

K. Mercer,

**Audrey Roay, President of 4-H,;**

**N. Hayes** all spoke about the benefits of the 4-H program and req. that a provision be made to accommodate the 4-H program, so they could continue to raise animals.

**Mrs. Duffy 2239 Semeria**, expressed concern about the fly problem they were experiencing now. Supported the limit on animals.

**Mr. Duffy, 2239 Semeria,**

**Mr. Inden**, 2241 Semeria, supported this ordinance amendment and the limit on animals. He exp. concern for the unsanitary conditions in his neighbors yard because of the rabbit hutch.

**Ms. Purcell**, 1081 Granada St. stated that health and safety issues should be addressed in the ordinance instead of a limit on the animals. She noted that there wasn't anywhere in Belmont to house these 4H projects which were important.

Council directed staff to provide a matrix from other cities regarding 4-H provisions. Sanitary rules and regulations should be included and consideration of (permanent/temporary pens, hutches) for animals, esp. for hoofed animals. 4-H members req. to send City Clerk any suggestions for the ord. to be sent to the City Attorney to be considered.

Meeting recessed at this time being 9:20 P.M.

Meeting

## **PUBLIC/HEARINGS**

Hearing to consider Resolution approving proposed rate increase and restructure of rates to

**Browning Ferris Industries for Garbage Collection Services.**

Assistant to the City Manager Williams introduced Mr. Hilton from Hilton, Farnkopf and Hobson

and Mr. Gino Gasperini from Browning Ferris Industries who were there to answer Council

questions.

In response to C. Rianda, Mr. Williams stated that the residential recycling figure of 43% and 10%

Commercial was a figure generated by BFI and were more accurate than the State figures. He noted

that the City would be credited with the 49% figure generated by the State however.

Mr. Gino Gasparini, BFI, Operations Manager, stated that the residential recycling had to the majority of the diversion. He stated they would now be concentrating their efforts on

commercial and businesses in Belmont. Mr. Gasparini stated that apartments, condominiums

and businesses would receive the printed materials that had been given to residents earlier in an

effort to increase recycling. He explained that extra staff had been added to assist in this project. He

said the next step would be to start working with the commercial sites also.

In response to C. Warden, Mr. Williams stated that staff was recommending a larger increase to the

commercial sites to add an incentive for them to increase their recycling efforts.

In response to C. Cook, Mr. Gasparini explained that of the 500 commercial units in Belmont, 350

of them were multi-unit

C. Warden stated that he would like to require a hauling permit from the groups hauling cardboard

Other than BFI, so that the City would recoup the recycling allotment.

In response to C. Wright, Mr. Williams explained that the rate review was done every year by Mr.

Hilton's firm. He said the Council may want to consider an annual CPI increase, which would be

lower. He stated that the increase was 14% across the board last year.

C. Rianda stated that she thought that 100% increase should be passed on to the commercial

accounts because since this program started in 1995, the residents had been doing their part

to increase the recycling diversion numbers.

Mr. Gasprini stated that pickup from a commercial establishment could be done daily if needed.

Assistant to the City Manager Williams explained that staff had been working on getting the

recycling and garbage days coordinated on the same day. He stated that the bi-annual pick-up

service may have to go to an on-call basis, but would let Council know at a later time.

Mayor Cook opened the public hearing.

**Mrs. Farmer**, President, Central Homeowners Association, asked for an explanation on why San

Carlos was getting the funding that used to help keep the rates down in Belmont.

Assistant to the City Manager Williams explained that Belmont used to receive the benefit of about

\$288,000 in revenue but since the annexation, San Carlos received this benefit. .

**ACTION: 1). Open hearing; Close hearing**

On motion by C. Rianda, seconded by C. Wright, and approved unanimously, to close the public hearing

**Action:** on motion by C. Warden, seconded by C. Wright and approved 4-1 (Hahn, no) by

show of hands to adopt:

**Resolution No. 8709** authorizing a rate increase by Browning Ferris Industries of 13.5% for Commercial and 5.2% for residential accounts.

C. Hahn stated that she voted no because she thought it should be proportionate to revenues - 45%/55%.

Public Hearing to consider Introduction of an Ordinance amending Chapter 22, Article 5 of the City Code relating to payment of Trench Cut fees.

C. Hahn stated that she would like to see the County ordinance adopted first.

Public Works Director Curtis explained that the fees were based on the age of the street. He noted that the first three years of a street no trench cuts were allowed. He said this was a declining fee per liner foot up to 10 years when the fee would cease. He said there were 61 streets that would qualify in this 10 year age period. He stated that this fee was reasonable for repair of a trench. This fee would be put into the road fund.

C. Rianda stated that the Transportation Committee of the League of CA Cities had endorsed this ordinance and urged large municipalities to adopt this ordinance so it could be monitored. She explained that those cities that had been monitored had sizable revenue coming to them to repave their roads. She said she would like to recommend it as a benefit to the City.

Mayor Cook opened the public hearing.

Public Works Director Curtis stated that this was the same ordinance that would be adopted by the County based on a study done a year ago by Cheek Consultants. He said if there were any changes made by the County, this ordinance could be brought forward with amendments.

On motion by C. Rianda, seconded by C. Wright and approved unanimously to close the public hearing.

Staff explained that if the County ordinance had features that our ord. did not include, our ordinance would be amended.

**Action:** on motion by C. Rianda, seconded by C. Warden, and approved unanimously, by show of hands, to introduce:

Ordinance amending the Belmont Municipal Code adding Article V Trench Cut fees for excavations in City Right of Way to Chapter 22 Streets and Sidewalks. (second introduction and adoption on March 28, 2000).

**Call up pursuant to Municipal Code Section 1-11 regarding 1840 Robin Whipple Way to**

**Consider review of Planning Commission action of February 1, 2000, Item 6-E Public Hearing**

**to consider design review for a second-story addition, consisting of approximately 1,169 s.f. to**

**an existing 1,873 s.f. (including garage and covered entry porch) single-story home. Total floor**

**area including the garage would be approximately 3,042 s.f. Maximum permitted floor area**

**for the lot is 3,065 s.f. (Appl. No. 99-1144) APN: 044-311-150; Zoning: R1-C CEQA Status:**



**Exempt. David Hernandez (Applicant) Jen and Charlie Montgomery**

Principal Planner de Melo reported this design review was for an 1169 sq. ft. second story addition

to a single story home. He said this addition would convert this to a five bedroom home. He said this

project would require an upgrade of a two car garage. He said the zoning ordinance specified that

the garage requirement did not have to be met if a variance was required. He said staff made one

recommendation at the February 1<sup>st</sup> meeting not to require the two car garage, because a portion of

the landscaping would need to be demolished to meet this requirement which would create a

hardship to the applicant. Late in the process, staff made the recommendation to require the two car

garage. The Planning Commission voted 4-2 to allow the one car garage design and modified the

condition to have the driveway widened to accommodate two cars.. .

Principal Planner de Melo explained that the matrix he had distributed looked at 24 design review

projects approved over the past year, with six of them approved with an additional bedroom with one

car garages

In response to C. Cook, Principal Planner de Melo stated that throughout the process, it was clear

to the applicant that a two car garage would not be required. He said this requirement introduced at the February Planning Commission meeting

In response to C. Hahn, Principal Planner deMelo explained that whether it was new or a remodel, the ordinance requirement was the same. If a variance was required to create this

second space, that requirement could potentially be waived. He said if this was a tear down and

remodel, the staff would have told them about the two car requirement.

C. Warden asked if it was the staff' responsibility to make the applicant aware of these requirements.

Principal Planner deMelo said it was to the applicants benefit and the staff job to provide this

Information at the outset of the project. He said unfortunately, in this case, this 2 car garage

requirement was not made clear.

In response to C. Cook, Principal Planner de Melo stated that they would need to go back to the

Planning Commission for a variance if they decided to reconfigure their project to make up for the

loss of the living space to create a two car garage. This would create the maximum amount of

Floor Area Ratio allowed on that lot.

C. Hahn asked if a precedence would be set if the Council overturned the Planning Commission?

Principal Planner de Melo stated that it would set a precedent, because Council would uphold the

letter of the law in that regard.

C. Rianda asked how many bathrooms were being added, because it was not stated in the staff

report.

Mr. Montgomery clarified that they were adding two bathrooms, for a total of three.

C. Rianda said that the integrity of neighborhood was at risk, from additional cars being parked on

the street. She said this home could add the two car garage without a variance

and she would like the Planning Commission to consider granting an increase in the FAR to

compensate the applicant for the untimely interpretation of the zoning ordinance.

In response to C. Cook, Principal Planner de Melo stated that the outcome of this meeting would

frame the discussion at the next Planning Commission meeting when this issue regarding the parking ordinance would be discussed.

Mayor Cook opened the public hearing.

**Ms. Young**, 1140 Academy, stated her concerns that 1169 s.f. addition would block her view. She requested that it be scaled back.

**Mr. Montgomery**, 1840 Robin Whipple Way, explained they were not interested in applying for a variance and did not want to move their home closer to the street. He explained that they worked very hard to make the plan esthetically pleasing so it would fit into the neighborhood. He said if a two car garage was added, it would basically leave a garage and a front door facing the street.

Mr. Montgomery explained that if a two car garage was required, the living room would have to be redesigned where the planned bedrooms were, in which case it did not make the project viable.

He explained that a car could be parked in the garage as well as on the apron, so cars would not be parked on the street. He stated that he had never heard complaints about a blocked view and did not know if this could be addressed with this any house design. Mr. Montgomery stated that it would create a hardship if they were required to redo the first floor, because the kitchen had been remodeled and new windows installed.

Planning Commissioner Parsons stated that he had voted against this project because he felt it could be designed with a two car garage. He said that two things that needed to be addressed and possibly added as findings was 1). Enforcement of 2 car garage regulations; and, 2). Parking as it impacts the neighborhoods. He explained that he recommended that the fireplace be removed from the garage so that at least a car could be parked in it.

At this time, being 10:30 P.M. this meeting was extended to 11:00 P.M. on motion by C. Rianda, seconded by C. Hahn and approved unanimously, by voice vote.

Planning Commissioner Periona, stated that the reason he voted for this project, was the number of cars that could be parked on the property. He said that he had not wanted to penalize the applicants because the staff direction had changed so late in the process.

Planning Commissioner Purcell, said that if the Planning Commission had insisted on a two car garage it would have ruined the floor plan and left the front of the house looking like a garage.

On motion by C. Warden, seconded by C. Wright and approved unanimously, by voice vote, to close the public hearing.

C. Warden said we should have told the applicant he had to build a 2 car garage, so his home could have been designed to meet that criteria. He stated he thought the applicant should be compensated for the error that was made. He said he would like the home built with a 2 car garage.

C. Rianda stated she would be in favor of compensating them for redesigning their home and waive the City fees to resubmit their plans.

City Manager Westman said Council could decide to waive the fees for the applicant but she did not know of a process to pay their architect to redesign the house.

C. Wright said that even if we start over we still have a small lot that will have a home with a garage in front. He said he would rather have a one car garage and an esthetically pleasing project. He said he did not think the home could be designed so it did not look like a townhouse with a garage. He said he was inclined to uphold the Planning Commission decision.

C. Hahn said she was in favor of upholding the Ordinance. She said parking on the pad would be unacceptable because we were trying to get cars off the street and into garages. She said that she had seen new developments with two car garages that were done tastefully. C. Hahn said she would like Council and staff to consider the options and do what was right.

In answer to C. Rianda, Mr. Montgomery stated that he had paid the City \$4,000 in fees so far.

C. Rianda stated that if the City could not reimburse the applicant for his architectural fees, at least the fees to the city could be reimbursed and future fees could be waived.

Mayor Cook reopened the Public Hearing.

Mr. Montgomery said the neighbors did not want a two car garage and asked if a four bedroom home would be more acceptable.

C. Cook stated that the addition of one bedroom would trigger the requirement for a two car garage.

On motion by C., Rianda, seconded by C. Warden and approved unanimously to close public hearing.

City Manager Westman stated that action could be taken on this item now and staff could bring back a separate item authorizing the return of the fees.

**Action:** on motion by C. Rianda, seconded by C. Hahn, and approved by show of hands, 3-2 (Wright, Cook, no), to adopt:

**Resolution No. 8710** – overturning the Planning Commission approval of a design review and approving a modified plan for a two-car garage and addition at a single family residence at 1840 Robin Whipple Way. (Appl. No. 99-1144).

City Attorney Savaree requested that an additional sentence be added to the Resolution stating that the expansion could be accomplished for a 2 car garage without a variance.

## **OLD BUSINESS**

**Council votes for three Planning Commissioners for three year terms and one Planning Commissioner to complete a term to expire March 2002; three Parks and Recreation Commissioners for two year terms; three Arts Commissioners for two year terms**

City Clerk Kern distributed the various ballots to the Council to vote on Commission appointments. City Attorney Savaree and City Manager Westman tabulated the results as follows: Arts Commission: Allen; Gandolfi. Parks and Recreation Commission: Singer; Dutto; Shjeflo. Planning Commission (3 yr term) Purcell; Peirona; Wiecha. (2 yr. Term) Petersen.

The Resolutions will be adopted at the meeting on March 28<sup>th</sup>.

**The rest of the agenda will be continued to the Meeting of March 28.**

## **NEW BUSINESS –**

Consideration of Resolution approving proposal to provide contract planning services with Curtis Williams & Associates for annexation of Harbor Industrial Area and the Western Sphere of Influence.

### **ACTION: 1). Motion to approve/deny Resolution**

Consideration of request by Belmont Historical Society for \$2500 to purchase an antique carriage.

Consideration of Resolution authorizing funds up to \$10,000 for the Grade Separation Completion Community Celebration.

### **ACTION: 1). Motion to approve/deny Resolution**

Consideration of a Motion designating a Council representative to serve on the Peninsula Congestion Relief Alliance Joint Powers Authority.

### **ACTION: 1) Motion appointing a Council representative**

## **BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS**

Discussion regarding use of the American Flag for advertising.

Discussion and direction regarding Street Banner Policy.

## **MATTERS OF COUNCIL INTEREST/CLARIFICATION**

Discussion and consideration of holding a Joint Planning Commission/City Council Meeting.(Rianda)

Discussion and direction regarding LAFCO application to place the property on our western border within our Sphere of Influence.(Rianda)

Discussion and direction regarding setting up a study session with athletic organizations to get direct input on fields and other associated needs the organizations may have. (Rianda).

Consideration of modification to code to allow goats to be used in a controlled place in place of gas powered mowers or herbicide. (Warden)

Discussion and direction regarding charity for Max's opening. (Hahn)

Discussion regarding FPPC regulations re: conflict of interest relative to personal residence.(Cook)

**A DJOURNMENT** at this time, being 11:00 P.M., this meeting was adjourned.

Meeting Tape Recorded

**Tape No. 456**

Kathy Kern

Belmont City Clerk